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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE **RECEIVED**

MAR 25 2004

OFFICE OF PETITIONS

Applicant: Don Whitehead et al.
Serial Number: 09/431,737
Filed: November 1, 1999
For: MAN MACHINE INTERFACE FOR POWER MANAGEMENT CONTROL
Examiner: Thomas K. Pham
Group Art: 2121
Docket No.: 41PR-7349 (96-1165-A)

PETITION UNDER 37 CFR 1.47(a) IN LIEU OF
INVENTOR'S SIGNATURE

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The present application includes eleven inventors, one of whom is unresponsive. Applicant's attorneys have on several occasions emailed Inventor Surampudi Subbalakshmi with regard to the revised Declaration. According to a January 19, 2004 email from the inventor, Mr. Subbalakshmi refused to return a signed facsimile due to cost concerns. Applicant's attorney then sent several follow-up emails to Inventor Subbalakshmi, requesting he either mail or scan/email his executed Declaration. Mr. Subbalakshmi failed to respond to any of the emails. Applicant's attorneys then sent the Declaration to Surampudi Subbalakshmi via Federal Express on March 9, 2004. Included in the Federal Express package was a pre-paid return address label and Federal Express mailer. The Federal Express mailing was signed as received from "ASOKA" on March 12, 2004. But we received no response from the recipient. Nor did inventor Subbalakshmi respond to a follow-up email in which Applicant's attorney again requested inventor Subbalakshmi use the pre-paid package to return an executed Declaration. Therefore, Applicant's Attorneys respectfully submit that all evidence points to Inventor Surampudi Subbalakshmi's refusal to sign the necessary Declaration.

03/25/2004 CNGUYEN 00000028 09431737

01 FC:1460

130.00 OP

Adjustment date: 04/06/2004
03/25/2004 CNGUYEN 00000028 09431737
01 FC:1460
Repl. Ref: 04/06/2004 AKELLEY 0013301200
URR:061130 Name/Huiber:09431737
6.30.00 CR
2004-03-25

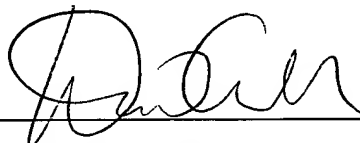
As evidence of the diligent efforts made to obtain an executed Declaration from Surampudi Subbalakshmi, attached to this petition is a Declaration of Applicant's Attorney David Arnold.

Additionally, attached hereto are copies of the declarations executed by the ten inventors who returned signed copies of the declaration with the signature blocks left blank to indicate that these inventors have signed on behalf of the unavailable inventors in accordance with MPEP 409.03(a).

This petition is also accompanied by a Fee Transmittal indicating the inclusion of a \$130.00 fee in accordance with 37 CFR 1.47(a). However, in the event the Commissioner of Patents deems that any additional fee is required in connection with this application, Applicants' attorneys authorize that such fee be charged to Deposit Account No. 06-1130. Please direct any inquiries to the undersigned.

In accordance with 37 CFR 1.136(a), a petition for extension of time for two months from January 21, 2004 to March 22, 2004 and the requisite fee is included. The Commissioner is requested to grant a petition for that extension of time that is required to make this response timely and is hereby authorized to charge any additional fee for such an extension of time or credit any overpayment for an extension of time to the above-identified Deposit Account.

Respectfully submitted,
CANTOR COLBURN LLP
Applicant's Attorneys

By: 
David Arnold
Registration No: 48,894
Customer No. 23413

Date: March 22, 2004
Address: 55 Griffin Road South, Bloomfield, Connecticut 06002
Telephone: (860) 286-2929
Fax: (860) 286-0115



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#116
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MAR 25 2004

OFFICE OF PETITIONS

Applicant: Don Whitehead et al.
Serial: 09/431,737
Filed: November 1, 1999
For: MAN MACHINE INTERFACE FOR POWER MANAGEMENT
Examiner: Thomas K. Pham
Group Art: 2121
Docket No.: 41PR-7349 (96-1165-A)

DECLARATION OF DAVID ARNOLD, Esq.

I, David Arnold, on oath, depose and state of my own personal knowledge the following:

1. I am currently employed as an attorney with the law firm of Cantor Colburn LLP, 55 Griffin Road South, Bloomfield, Connecticut 06002.
2. On January 5, 2004, I sent an email, through my assistant Marianne Carello, to all formerly signing inventors of the subject application with a request to sign, date, and return a newly executed declaration relating to the subject application. The email requested that an executed declaration be sent to me via facsimile, and that the original be sent to me via mail.
3. To date, all but one inventor has provided a newly executed declaration.
4. Of the eleven inventors, only inventor Surampudi Subbalakshmi has not provided a newly executed declaration to date.
5. On January 13, 2004, I sent a follow up email to Mr. Subbalakshmi with a reminder of the requested newly executed declaration.

6. On January 19, 2004, I received an email from Mr. Subbalakshmi indicating that a facsimile of the newly executed declaration would not be sent from India due to cost concerns, but that a newly executed declaration would be sent in the mail.

7. On February 5, 2004, I sent a follow up email to Mr. Subbalakshmi with another reminder requesting the newly executed declaration.

8. On February 5, 2004, I sent a second follow up email to Mr. Subbalakshmi with a suggestion to scan a signed version of the newly executed declaration and to email me an electronic file of the same.

9. On February 20, 2004, I sent two follow up emails to Mr. Subbalakshmi with a reminder of the requested newly executed declaration.

10. On February 20, 2004, I received an autoreply email from Mr. Subbalakshmi indicating that he would not be available in the office the week of February 16-20.

11. On February 25, 2004, I sent a follow up email to Mr. Subbalakshmi with a reminder of the requested newly executed declaration.

12. On March 9, 2004, I sent a package via Federal Express to Mr. Subbalakshmi including an unexecuted declaration with power of attorney for signature, a return Federal Express pack, and a set of pre-paid Federal Express Return labels, and requested that the newly executed declaration be sent to me via the pre-paid Federal Express pack.

13. On March 12, 2004, my assistant Marianne Carello received an email from Federal Express indicating that the package addressed to Mr. Subbalakshmi had been delivered on March 12, 2004, and had been signed for by "ASHOKA".

14. On March 17, 2004, I sent an email to Mr. Subbalakshmi indicating my knowledge of the Federal Express package having been received, and again requested that the newly executed declaration be sent to me via the pre-paid Federal Express pack.


15. Using the methods described in paragraphs 2-14 above, I have not been able to obtain a newly executed declaration from Mr. Subbalakshmi.

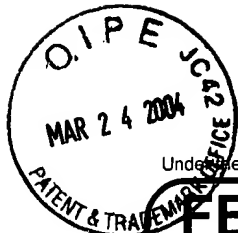
I hereby declare that all statements made herein are of my own knowledge and are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code.

Date: 3/22/2004

David Arnold
David Arnold, Esq.

Date: 3/22/2004

Sandra E. McLaughlin
Witness: My Commission Expires 5-31-04.




Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/17 (10-03)
Approved for use through 07/31/2006. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) \$130.00

Complete if Known

Application Number	09/431,737
Filing Date	November 1, 1999
First Named Inventor	Donald Whitehead
Examiner Name	Thomas K. Pham
Art Unit	2121
Attorney Docket No.	41PR-7349 (96-1165-A)

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit
Account
Number

06-1130

Deposit
Account
Name

Cantor Colburn LLP

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)				(\$)	

2. EXTRA CLAIM FEES FOR UTILITY AND

Total Claims		Extra Claims		Fee from below		Fee Paid
		-20** =	0	X		0.00
Independent Claims		-3** =	0	X		0.00
Multiple Dependent						

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$) \$0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non - English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	130.00
1807	50	1807	50	Processing fee under 37 CFR § 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Statement	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) \$130.00

SUBMITTED BY

Name (Print/Type)	David Arnold	Registration No. (Attorney/Agent)	48,894	Telephone	860-286-2929
Signature		Date	March 22, 2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on

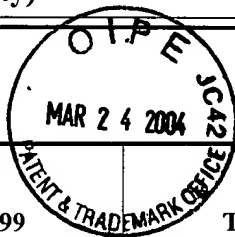
This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)
(Large Entity)

Docket No.
41PR-7349 (96-1165-A)

In Re Application Of:
WHITEHEAD et al.



Serial No.
09/431,737

Filing Date
November 1, 1999

Examiner
Thomas K. Pham

Group Art Unit
2121

Invention:

MAN MACHINE INTERFACE FOR POWER MANAGEMENT CONTROL SYSTEMS

TO THE COMMISSIONER FOR PATENTS:

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of November 21, 2003 above-identified application.
Date

The requested extension is as follows (check time period desired):

☐ One month ☒ Two months ☐ Three months ☐ Four months ☐ Five months

from: January 21, 2004
Date

until: March 22, 2004
Date

The fee for the extension of time is **\$420** and is to be paid as follows:

- ☒ A check in the amount of the fee is enclosed.
☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **06-1130**
☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. **06-1130**

Signature

Dated: **March 22, 2004**

David Arnold
Registration No. 48,894
Cantor Colburn LLP
55 Griffin Road South
Bloomfield, CT 06002
(860) 286-2929
(860) 286-0115 fax
Customer No. 23413

03/25/2004 CNGUYEN 00000028 09431737

02 RC:1252

420.00 OP

I certify that this document and fee is being deposited on 3/22/04 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature of Person Mailing Correspondence

Marianne S. Carello

Typed or Printed Name of Person Mailing Correspondence

CC:



CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)			Docket No. 41PR-7349 (96-1165-A)
Applicant(s): WHITEHEAD et al.			
Serial No. 09/431,737	Filing Date November 1, 1999	Examiner Thomas K. Pham	Group Art Unit 2121
Invention: MAN MACHINE INTERFACE FOR POWER MANAGEMENT CONTROL SYSTEMS			

I hereby certify that this Petition Under 37 CFR 1.47(A) in Lieu of Inventor's Signature (2 pages), Declaration of David Arnold, Esq. (3 pages), Executed Combined Declaration and Power of Attorney (40 pages), Fee Transmittal (1 page), Petition for Extension of Time (1 page), Check for \$130.00 for Petition Fee, Check for \$420.00 for Extension of Time Fee, Return Postcard is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 22, 2004

Marianne S. Carello

(Typed of Printed Name of Person Mailing Correspondence)


(Signature of Person Mailing Correspondence)